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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,726	01/22/2004	Mike Majchrzak	032016-0128	7340
26371	7590	06/02/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			PELHAM, JOSEPH MOORE	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,726

Applicant(s)

MAJCHRZAK ET AL.

Examiner

Joseph M Pelham

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-29 and 37-41 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 30-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/22/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

Claims 1, 4-6, and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 5532456 (US'456).

Referring to Figs. 1-3 and col. 4, lines 6-61, US'456 discloses a heated food container with a humidity source 56, 58, 94 and air curtain 84, with temperature and humidity control, and the air stream flowing as well over the food items within the chamber.

Claims 1, 4, 6, 8-18, and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. 6369362 (US'632).

Referring to Figs. 1 & 2 and col. 4, line 58, through col. 5, line 45, US'632 discloses a heated food container with a humidity source 125 and air curtain with fan 121, which circulate the heated air to maintain temperature and humidity control, the air stream passing over the water source, and the air flowing as well over the food items within the chamber.

Claim Rejections - 35 USC § 103

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'456 in view of US Pat. Appl. 2002/0005686 (US'686).

The claims differ from US'456 only in calling for a portable oven. US'686 discloses a portable oven similar to that of US'456. It would have been obvious to adapt the portable feature of US'686 to the oven of US'456 to enhance its portability.

Claims 2, 7, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'362 in view of US'686.

The claims differ from US'362 only in calling for a portable oven. US'686 discloses a portable oven similar to that of US'362. It would have been obvious to adapt the portable feature of US'686 to the oven of US'362 to enhance its portability.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'456 or US'362, in view of US Pat. 4038968 (US'968).

The claims differ from US'456 or US'362 only in calling for the access opening to be on the top side of the chamber. US'968 discloses a food access opening on the top side of a heating chamber (see Fig2) It would have been obvious to adapt the top opening position of US'968 to the chamber of either US'456 or US'362, to adapt the chamber for use in table-type food service devices.

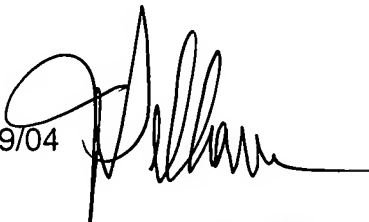
Allowable Subject Matter

Claims 19-29 and 37-41 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M Pelham whose telephone number is 703-308-1709. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/29/04 
JOSEPH PELHAM
PRIMARY EXAMINER